



COUNCILMEMBER DONNA FRYE

CITY OF SAN DIEGO – SIXTH COUNCIL DISTRICT

Press Release

For Immediate Release

July 17, 2007

Contact: Kevin Smith

619-533-6469 (office), 619-675-4458 (cell)

Frye Issues Summons to Require Mayor's Staff Attendance at Public Hearing

San Diego, CA- Today, Councilmember Donna Frye issued a summons to the Mayor's Environmental Services Department administrative staff to attend and provide information to the Natural Resources and Culture (NR&C) Committee meeting of July 18, 2007. She issued the summons in accordance with the San Diego City Charter. Specifically, charter section 270 (i) states -

“Any City official or department head in the administrative service may be summoned to appear before the Council or any committee of the Council to provide information or answer any question.”

This is the first time since the “Strong Mayor/Council” form of governance was adopted that any councilmember has issued such a notice.

“It is most unfortunate that it has come to this,” said Frye. “It is difficult to make informed decisions, let alone have informed discussions, when the Mayor refuses to allow city employees to attend council committee hearings to answer questions and provide information.”

The mandatory recycling discussion was one of the issues that caused Frye to invoke City Charter section 270 (i). The City Council voted on April 5, 2005, to direct the city staff to provide an update on mandatory recycling. On June 4, 2007, the NR&C Committee held a hearing on the Mandatory Recycling Ordinance prepared by the City Attorney. The committee voted to refer this item to the Mayor's Environmental Services Department for an analysis, with direction by Frye to return at the next meeting. The date was extended to allow the Mayor's staff additional time. However, when the information was requested for the July 18th NR&C Committee meeting, the Mayor responded with a memo dated July 13th, stating that –

“We do not plan on attending the July 18th, Natural Resources and Culture Committee meeting and will work with the City Council to bring our proposal forward this fall.”

“I was disappointed by the Mayor’s response,” said Frye. “While we may disagree on the contents of an ordinance, we all should agree that, at a minimum, city staff should be available to answer questions and provide information at council committee meetings. To do otherwise ignores our City Charter and is a disservice to the public and the work of this committee.”

Frye has docketed the item and will proceed with a public hearing on mandatory recycling. Members of the public have been invited to present information to the committee.

Frye is the Councilmember for the Sixth Council District of the City of San Diego, which includes the communities of Chiremont, Kearny Mesa, Linda Vista, Mission Bay, Mission Valley and Serra Mesa. She has served on the City Council representing District Six since 2001 and is currently the chair of the Council’s Natural Resources and Culture committee.

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THE CITY OF SAN DIEGO
COUNCILMEMBER DONNA FRYE
SIXTH DISTRICT

July 17, 2007

Elmer Heap
Director, Environmental Services Department
9601 Ridgehaven Court, Suite 210
San Diego, CA 92123

RE: City Charter Section 270 (i) Summons

Mr. Heap:

Per San Diego City Charter section 270 (i), as approved by the voters of San Diego on November 2, 2004, I hereby summon you, or appropriate staff if you are unavailable, to appear before the Natural Resources & Culture (NR&C) Committee on July 18, 2007, at 2:00 pm, regarding Item- 6: *Report from the City Attorney and Interested Parties regarding MANDATORY RECYCLING.*

The proposed mandatory recycling ordinance is a vitally important issue that cannot continue to be delayed indefinitely. It is crucial that you, as director of the city's Environmental Services Department, and your staff provide the committee and the public the opportunity to hear your input on this issue and that you be present to answer questions that arise during the discussion, as required by the City Charter. For your convenience, I have included the language in charter section 270 (i) below:

**ARTICLE XV: Strong Mayor Trial Form of Governance;
Section 270: The Council**

(i) Any City official or department head in the administrative service may be summoned to appear before the Council or any committee of the Council to provide information or answer any question.

I look forward to your participation in the committee's discussion.

Sincerely,

Donna Frye
Councilmember
Sixth District

CC:

Mayor Jerry Sanders
Michael Aguirre, City Attorney
Andrea Tevlin, Independent Budget Analyst
Stephen Greal, ESD, Recycling Supervisor
Chris Gonaver, ESD, Assistant Director

DF/ks



Timeline for the Mandatory Recycling Ordinance

- April 5, 2005- The City Council passed a motion by Councilmember Donna Frye to adopt with direction to the City Manager to provide an update on when the Mandatory Recycling program will be docketed to be heard by Council. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea
- April 5, 2007- City Attorney Michael Aguirre releases a proposed ordinance to require mandatory recycling throughout the City, including condo and apartment complexes and businesses where recycling is often unavailable.
- June 4, 2007- Special meeting of the Natural Resources and Culture Committee to hear a presentation from the City Attorney's office on the Mandatory Recycling Ordinance. There was a motion by Councilmember Faulconer, second by Councilmember Hueso, to refer this item to the Mayor's office for further analysis and to bring this back before the Natural Resources and Culture. VOTE: 3-0; Frye-yea, Faulconer-yea, Maienschien-not present, Hueso-yea Councilmember Frye advised staff that this issue would be docketed for the next meeting of the Natural Resources and Culture Committee.
- July 2, 2007- Natural Resources and Culture Committee Consultant Mary Ann Kempczenski sent an e-mail to the Elmer Heap, Director of the Environmental Services Department to confirm attendance for the July 18, 2007 meeting of the Natural Resources and Culture Committee to present the Mayor's response to the Mandatory Recycling Ordinance.
- Miss Kempczenski was informed that any request for staff to come and present information to the Natural Resources and Culture Committee needed to go through Abby Jarl with the Mayor's office.
- Miss Kempczenski puts forward the request to Miss Jarl for staff to present the information on Mandatory Recycling for the July 18, 2007 meeting.
- July 6, 2007 Miss Jarl informs Miss Kempczenski that the Environmental Services Department will not be attending the Natural Resources and Culture Committee meeting on July 18, 2007 to address the City Attorney's Mandatory Recycling Ordinance nor provide information
- July 10, 2007 Councilmember Frye meets with Mayor Jerry Sanders to discuss staff participation at hearing of the Natural Resources and Culture Committee.
- July 11, 2007 Councilmember Frye delivers timeline to Mayor Sanders' office regarding Mandatory Recycling and the lack of participation from city

staff to provide information on this issue.

July 13, 2007 Councilmember Frye receives a Memo from Mayor Sanders titled Recycling Update

Mary Ann Kempczenski - MOR for NR&C

From: Mary Ann Kempczenski
To: Elmer Heap
Date: 7/2/2007 12:40 PM
Subject: MOR for NR&C
CC: Stephen Grealy

Hi Elmer,

I just want to confirm that the Mayor's office will be responding to the City Attorney's proposal for a MOR for the July 18, 2007 meeting of NR&C. There was action taken by the committee to have this item returned with the Mayor's office responding. I have plans to redocket this issue and want to make sure that the Mayor's office will be prepared to respond.

Thank you,

Mary Ann Kempczenski
District Six Council Representative
Office of Councilmember Donna Frye
202 C St. MS 10A
San Diego, CA 92101
Ph: (619) 236-6616
Fax: (619) 236-7329
www.sandiego.gov/cd6

Disclosure: Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

From: Abby Jarl
To: Mary Ann Kempczenski
Date: 7/6/2007 2:49:55 PM
Subject: Re: Fwd: MOR for NR&C

Mary Ann -
ESD staff will not be attending the NR&C Meeting on July 18, 2007 to address the City Attorney's MRO.
We will not be ready to address the City Attorney's Ordinance at that time.
Thanks.
Abby

Abby Jarl
Policy Associate
Office of the Mayor
City of San Diego
202 C Street, MS 11A
San Diego, CA 92101
(619) 236-7259 office
(619) 236-7228 fax
ajarl@sandiego.gov

>>> Mary Ann Kempczenski 7/2/2007 1:23 PM >>>
Hi Abby,
Then can you please put through this request for staff to respond for our July meeting and get back to me?
Thank you,

Mary Ann Kempczenski
District Six Council Representative
Office of Councilmember Donna Frye
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>>> Abby Jarl 7/2/2007 1:21 PM >>>
Mary Ann -
Any requests for staff to come and present at NR&C need to go through me.
Thanks.
Abby
>>> Mary Ann Kempczenski 7/2/2007 12:40 PM >>>

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Thank you,

Mary Ann Kempczenski

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Abby Jarl
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Office of the Mayor
City of San Diego
202 C Street, MS 11A
San Diego, CA 92101
(619) 236-7259 office
(619) 236-7228 fax
ajarl@sandiego.gov

CC: Chris Gonaver; Elmer Heap; Jeff Gattas; Julie Dubick; Richard Haas



JERRY SANDERS
MAYOR

CITY OF SAN DIEGO
MEMORANDUM

DATE: July 13, 2007
TO: Honorable Members of the City Council
FROM: Mayor Jerry Sanders
SUBJECT: Recycling Update

Recycling has always been a fundamentally important issue for the City of San Diego. We continue to be a leader in recycling and are currently diverting 52% of the wastestream coming into the Miramar Landfill, exceeding the state mandate of 50%. This achievement has come about because of all the great efforts of everyone in the community, from businesses, to residents, to the military. The City has an impressive list of accomplishments. Automated recycling carts are provided to over 250,000 residents, greenery recycling service to over 190,000 households, environmental education to thousands of school children every year, technical assistance to hundreds of businesses annually, and 100,000 tons of yard trimmings and food wastes are being composted at the Miramar Greenery every year - to name just a few of these accomplishments.

Despite these efforts, we estimate that as much as two-thirds of the waste that continues to enter the Miramar Landfill is recyclable. Given our need to conserve landfill space and our growing awareness about the causes and effects of climate change, we need to do all we can. In fall of this year, we will bring forward an ordinance that will include input from all affected stakeholders and will outline what more we need to do in our recycling efforts. It is our intent to have this ordinance reflect the needs of the entire community and addresses the concerns of the stakeholders regarding the timing for its implementation.

We do not plan on attending the July 18th, Natural Resources and Culture Committee meeting and will work with the City Council to bring our proposal forward this fall.

Cc: Honorable City Attorney
Elmer Heap, Director of Environmental Services Department